

**Frequently Asked Questions**  
**State Health Commissioner Order of Public Health Emergency**  
**Statewide Requirement To Wear Masks In K-12 Schools, issued August 12, 2021**

*Last Updated 8/17/2021*

***General Questions:***

**What does the Public Health Order do?**

On August 12, 2021, State Health Commissioner Dr. M. Norman Oliver reissued a [Public Health Order](#) requiring all students, teachers, staff, and visitors in public and private K-12 schools to wear masks indoors, regardless of vaccination status. This Order reinforces current state law, which requires Virginia schools to adhere to mitigation strategies outlined by the Centers for Disease Control and Prevention. As of July 28, CDC guidelines include universal masking for all students, teachers, and staff.

**Why was the Order issued?**

Keeping students in school for in-person learning remains a priority of the Commonwealth. While cases in Virginia have increased rapidly in Virginia since mid-June 2021, masks are a proven tool to reduce in-school transmission, even in communities with low vaccination rates and high levels of spread. Delta is more contagious than earlier forms of the virus and likely causes more infections. Children younger than 12 years old are not yet eligible to receive the COVID-19 vaccine. A large proportion of older students remain unvaccinated.

Outbreaks can and have occurred in K-12 schools in Virginia. While fewer children have been sick with COVID-19 compared with adults, children can be infected with the virus that causes COVID-19, can get sick, can spread the virus to others, and can have severe outcomes. Masks are a proven tool to reduce in-school transmission.

***Questions on Application:***

**Does the Order apply during naptime at school?**

No, children should not wear masks during naptime. [CDC Guidance](#) clarifies that child care providers should remove masks “before sleeping, napping, [and] when they may fall asleep (such as in a car seat or stroller).” Sleeping children may be unable to remove their masks if their breathing is obstructed.

**Does this Order apply to freestanding daycares or preschools?**

The Order does not apply to freestanding daycares or preschools, though [current VDOE Guidance for Child Care](#) and VDH recommend masks be worn by all children age 2 and older.

The Order does apply to young children, age 2 and older, participating in early childhood and PreK programs at public and private K-12 schools. Exceptions are included in the order. Masks should not be placed on children under the age of 2.

**What will you do if schools continue to make masks optional?**

We fully expect all school divisions to comply—if not with state law, then with this Public Health Order. Orders of the Commissioner or the Board of Health may be enforced pursuant to Virginia Code § 32.1-27 which provides, in part, that any person not obeying an order of the Commissioner may be compelled in a proceeding instituted in an appropriate court by the Board or Commissioner to obey such order. The Commissioner expects school systems to obey the order as they share the same goal as the Virginia Department of Health in protecting students, teachers, and the community from this deadly virus.

**Does the Order apply to all activities on the grounds of private and public schools?**

Yes, it applies to all individuals age 2 or older indoors, on public or private school grounds during instruction, extra curriculars, and other events that take place outside of normal instructional hours.

**Do students have to wear masks while playing school sports?**

Although the Order provides an exception for wearing a mask during exercise, VDH recommends all students (in addition to coaches and officials) wear masks indoors, even during play if possible.

**Does the Order apply to spectators at athletic events on school grounds?**

This Order applies to all individuals age 2 or older indoors on school grounds, including indoor athletic competitions. It does not apply outdoors on school grounds or at outdoor athletic competitions.

VDH and CDC recommend that people who are not fully vaccinated wear a mask in crowded outdoor settings or during activities that involve sustained close contact with other people. Spectators should continue to follow applicable mask guidance from the CDC in outdoor settings.

***Questions on exemptions:*****Are there religious exemptions included in the Order?**

Yes. The Order includes an exemption for participation in religious rituals and religious accommodation requests should be made directly to the local school division. VDH is concerned with protecting the health of students and staff during in-person instruction, and local school districts are in the best position to determine what sort of accommodation may be made for religious exemptions to the masking requirement. Local school divisions can develop their own process for applications for religious exemption in consultation with their legal counsel.

The EEOC provides [guidance](#) on what is meant by sincerely held religious belief. “Sincerely Held” is the standard used in First Amendment religious accommodation cases. School districts should consult their legal counsel on how to respond to a request for an accommodation due to a sincerely held religious objection.

**Can or should a school require documentation for a medical exemption?**

The Order is silent as to whether schools may require documentation for a medical exemption;

school districts should consult their legal counsel about any such requirements.

**How does an individual “request” an accommodation for a medical or religious reason?**

The process for asking for a reasonable accommodation to the masking requirement is determined by each school district. Reasonable accommodations can include different options, including virtual instruction, possible use of face shields, increased distancing between students for example. CDC [guidance](#) also provides information on accommodating students with disabilities. Each application for a reasonable accommodation will need to be evaluated by the school based on the needs of the student and the resources of the school in consultation with legal counsel.

**Is there any flexibility in offices when staff is alone and not around others?**

Yes. Individuals occupying a discrete, separate space within the school are not required to wear a mask. In all other indoor areas of the school, masks must be worn.

**Are masks required during School Board or PTA meetings?**

The Order provides that all individuals aged two and older wear masks when indoors at public and private K-12 schools in order to inhibit spread of the virus. If the meeting is held anywhere other than indoors at a K-12 school, including a division’s central office building, the Order does not apply. However, during times of [substantial or high transmission](#), public health strongly recommends that all persons wear masks indoors regardless of vaccination status. Virginia is currently experiencing a high level of community transmission.